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19 Attorneys for Defendant
20 ABBOTT LABORATORIES

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **OAKLAND DIVISION**

24 STEPHEN WENDELL AND LISA WENDELL,
25 for themselves and as successors in interest to
26 MAXX WENDELL, DECEASED,

27 Plaintiffs,

28 v.

JOHNSON & JOHNSON; CENTOCOR, INC.;
ABBOTT LABORATORIES; SMITHKLINE
BEECHAM d/b/a GLAXOSMITHKLINE; TEVA
PHARMACEUTICALS USA; GATE
PHARMACEUTICALS, a division of TEVA
PHARMACEUTICALS USA; PAR
PHARMACEUTICAL, INC.;

Defendants.

CASE NO. 4:09-CV-04124-CW

**STIPULATION AND ORDER
CHANGING SELECTED ADR
PROCESS AND EXTENDING
DEADLINE FOR CONDUCTING
MEDIATION**

Removal Filed: September 4, 2009

STIPULATION

WHEREAS on December 21, 2009, the Court granted the parties' stipulation to pursue court-connected mediation under ADR L.R. 6;

WHEREAS on June 3, 2010, the Court advised the parties to consider private mediation;

WHEREAS the parties have discussed the Court's recommendation and now consent to private mediation;

WHEREAS the parties are currently scheduled to conduct a mediation in December 2010;

WHEREAS the parties agree that the mediation is more likely to be successful if it is postponed until after further substantive discovery is completed;

WHEREAS the fact discovery deadline is currently set for February 2, 2011;

WHEREAS the parties agree that additional time will be needed to complete fact discovery, but have not yet determined how much additional time will be necessary;

WHEREAS the parties plan to confer further regarding scheduling and to request a continuance of discovery deadlines;

THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. The parties agree to participate in private mediation in lieu of court-connected mediation.

2. The parties agree to conduct the mediation by June 29, 2011.

3. DECLARATION PURSUANT TO L.R. 6-2: The parties declare that: (1) the reason for the requested enlargement of time is to allow time to prepare for a meaningful mediation; (2) there has been no previous modification to the schedule for the case; and (3) the parties anticipate that this time modification will have no effect on the current schedule for the case.

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1 Dated: December 17, 2010.

2 /s/ Kevin Haverty
3 Kevin Haverty (*pro hac vice*)
4 WILLIAMS CUKER BEREZOVSKY
5 Woodland Falls Corporate Park
6 210 Lake Drive East, Suite 101
7 Cherry Hill, NJ 08002
8 *Counsel for Plaintiffs*

9 /s/ Michelle A. Childers
10 Michelle A. Childers
11 DRINKER BIDDLE & REATH LLP
12 50 Freemont Street, 30th Fl.
13 San Francisco, CA 94105
14 *Counsel for Centocor Ortho Biotech, Inc.
and Johnson & Johnson*

15 /s/ William A. Hanssen
16 William A. Hanssen
17 DRINKER BIDDLE & REATH LLP
18 333 South Grand Ave., Ste. 1700
19 Los Angeles, CA 90071-1504
20 *Counsel for SmithKline Beecham
Corporation
d/b/a GlaxoSmithKline*

21 /s/ Andrew P. Bautista
22 Andrew P. Bautista (*pro hac vice*)
23 KIRKLAND & ELLIS LLP
24 300 North LaSalle
25 Chicago, Illinois 60654
26 *Counsel for Abbott Laboratories*

27 /s/ Prentiss W. Hallenbeck, Jr.
28 Prentiss W. Hallenbeck, Jr. (*pro hac vice*)
ULMER & BERNE LLP
600 Vine Street, Suite 2800
Cincinnati, OH 45202
*Counsel for Teva Pharmaceuticals
USA, Inc.*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 Dated: December 15, 2010

3 
4 CLAUDIA WILKEN
5 United States District Judge

1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2 I, Traci L. Shafrroth, am the ECF user whose ID and password are being used to file this
3 STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR CONDUCTING
4 MEDIATION. In compliance with General Order 45, X.B., I hereby attest that the following
5 attorneys have concurred in this filing: Kevin Haverty, counsel for Plaintiffs; Michelle A. Childers,
6 counsel for Centocor Ortho Biotech, Inc., and Johnson & Johnson; Prentiss W. Hallenbeck, Jr.,
7 counsel for Teva Pharmaceuticals USA, Inc., and Par Pharmaceutical, Inc.; William A. Hanssen,
8 counsel for SmithKline Beecham Corporation.

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/s/ Traci L. Shafrroth

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 17, 2010, I electronically filed the foregoing STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR CONDUCTING MEDIATION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses registered, as denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have mailed a true and correct copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants listed below:

John D. Winter
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1133 Avenue Of The Americas
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Jeffrey F. Peck
Ulmer & Berne LLP
600 Vine Street, Suite 2800
Cincinnati, Ohio 45202

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: December 17, 2010

By: s/ *Traci L. Shafroth*

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